

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

MONICA REGAN CAGE,	§	
	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 4:12CV00440
	§	
ESC IV, L.P., DBA	§	
EMERITUS AT OAK HOLLOW	§	
	§	
Defendant.	§	

**DEFENDANT'S NOTICE OF REMOVAL**

Defendant Emeritus Corporation (incorrectly sued as ESC IV, L.P., DBA Emeritus at Oak Hollow) (hereinafter “Defendant”) files this Notice of Removal and states:

**I.**

This is an employment case. On May 21, 2012, Plaintiff Monica Regan Cage (“Plaintiff”) commenced an action in the 17th Judicial District of Tarrant County, Texas entitled *Monica Regan Cage v. ESC IV, L.P., dba Emeritus at Oak Hollow*, Cause No. 017 259406 12. A true and correct copy of all process and pleadings in that cause, and all documents required by Local Rule 81.1 are attached hereto as “Exhibit A.”

**II.**

This Court has jurisdiction in this civil action and removal is proper pursuant to 28 U.S.C. § 1331. Plaintiff has asserted a claim against Defendant that involves a federal question. Specifically, in her Original Petition (“Petition”) Plaintiff alleges that Defendant violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* and 29 U.S.C. § 2615(b) of the Family Medical Leave Act. (*Plaintiff's Original Petition, Section III.*)

Therefore, this case presents a federal question pursuant to 28 U.S.C. § 1331 and is removable under 28 U.S.C. § 1441. This Court has supplemental jurisdiction over Plaintiff's Texas Labor Code 21.051 claim pursuant to 28 U.S.C. §1337.

**III.**

Plaintiff served Defendant ESC IV, L.P. with the State Action Summons and Petition on June 6, 2012. (See Exhibit A.) This Notice has been filed with this Court within thirty (30) days of service of copies of the Summons and Petition in the State Action upon any defendant.

**IV.**

Upon the filing of this Notice of Removal, Defendants have given the 17<sup>th</sup> Judicial District of Tarrant County, Texas written notice of the removal in the form attached hereto as an attachment to "Exhibit B."

**V.**

The following is a list of counsel of record:

Kristin L. Bauer  
Allyson L. Johnson  
JACKSON LEWIS LLP  
500 N. Akard, Suite 2500  
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PH: (214) 520-2400  
FX: (214) 520-2008  
  
Counsel for Defendant  
Emeritus Corporation

James L. Bauguss  
Bauguss Law Firm  
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Law Offices of Christian Jenkins  
Old Town Office Plaza  
1307-B W. Abram Street, Ste 100  
Arlington, Texas 76013  
PH: (817) 461.4222  
FX: (817) 461.5199  
  
Counsel for Plaintiff  
Monica Regan Cage

WHEREFORE, Defendant requests that the above-styled action pending in the 17th Judicial District of Tarrant County, Texas, be removed to the United States District Court for the Northern District of Texas, Fort Worth Division.

Respectfully submitted,

By: /s/ Kristin L. Bauer  
Kristin L. Bauer, Esq.  
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PH: (214) 520-2400  
FX: (214) 520-2008

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was forwarded by certified mail, return-receipt requested, on the 28<sup>th</sup> day of June, 2012 to the following counsel of record:

James L. Bauguss  
Bauguss Law Firm  
Christian Jenkins  
Law Offices of Christian Jenkins  
Old Town Office Plaza  
1307-B W. Abram Street, Ste 100  
Arlington, Texas 76013

/s/ Kristin L. Bauer  
ONE OF COUNSEL

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Defendant.

**DEFENDANT'S INDEX OF DOCUMENTS FOR REMOVAL**

The following documents are attached:

## **Exhibit A State Court Pleadings, and all executed services of process**

## **Exhibit B State Court Notice of Filing Notice of Removal**